

To: All News Media Directors/Editors

Subject: Tommy Ratliff – Hays County

It is my understanding that Mr. Tommy Ratliff is once again running for Sheriff in Hays County, Texas. I **can't believe** that a Hays County citizen would even considered putting this man in office.

I have enclosed copies of proof that Mr. Ratliff was involved in a domestic violence occurrence with his ex-wife and has displayed a violent temper on several occasions.

Let the truth be known, finally, that this man should have never been allowed to be a law enforcement officer, yet alone, a Sheriff in any county.

Domestic violence should never be tolerated, no matter who you are or what position you have.

I hope the enclosed documents will help clarify who Mr. Ratliff really is.

Former Family Violence Victim and Concerned Citizen.
Name withheld due to fear of retaliation.



Hays County sheriff accused of domestic violence at debate; no such history found in public records

Tommy Ratliff

Allegation 'a full-blown lie,' sheriff says.

By Patrick George AMERICAN-STATESMAN STAFF Published: 11:04 p.m. Tuesday, Oct. 12, 2010

SAN MARCOS — Monday's candidate debate hosted by the San Marcos Area League of Women Voters got heated after an audience member accused Hays County Sheriff Tommy Ratliff of having a history of domestic abuse.

Dripping Springs resident E. Wally Kinney accused Ratliff, the Democratic incumbent, of abusing his ex-wife. The public debate was attended by more than 200 Hays County residents.

Ratliff denied the accusation, calling it "a full-blown lie."

According to a search of public records, Ratliff has no criminal record. A former supervisor of Ratliff's said Tuesday that Ratliff was investigated over an allegation of domestic abuse in 1988 when he worked as a Texas Ranger in Pampa, which is 55 miles northeast of Amarillo.

The American-Statesman has made a request under the Texas Public Information Act for Ratliff's disciplinary records from the Department of Public Safety. The Statesman has also requested from the Pampa Police Department any documents that may exist regarding the alleged incident. Those requests are pending.

Ratliff's ex-wife could not be reached for comment Tuesday.

Bruce Casteel, a retired senior captain and chief of Texas Rangers and Ratliff's superior officer at the time, said Tuesday that Ratliff's ex-wife had made "strong allegations" of abuse. But within a few weeks she abruptly changed her story, and the investigation was dropped, Casteel said.

No criminal charges were filed, but Ratliff was transferred from Pampa to Austin as a result, Casteel said. "It's hard for a law enforcement officer to function in an area where they have an allegation, whether it's true or not."

Gary Cutler, Ratliff's Republican opponent, declined to comment on the allegation but said it did not come from anyone affiliated with his campaign.

Kinney is married to Linda Kinney, the former chair of the Hays County Republican Party. He was appointed in 2008 by Gov. Rick Perry to the State Securities Board, which enforces Texas securities laws. Kinney lobbed the accusations against Ratliff after taking the microphone during the audience question segment of Monday's event.

"It has been reported and now confirmed that you were involved in an altercation with your ex-wife, that she sustained a broken shoulder and was sent to the hospital, and that you were subsequently transferred out of Pampa, Texas, and reassigned to Central Texas," Kinney said. "My question is, how can you expect the voters of Hays County to support you as chief law enforcement officer with this type of background?"

Kinney said Tuesday that he had no documents to support the allegations he made Monday night. Kinney said he got his information from talking to people close to Ratliff's ex-wife.

Ratliff did not return calls for comment Tuesday. At the debate Monday night, he responded to Kinney by saying:

"It's always interesting in the political field to see someone get desperate and use the wrong information whenever you're trying to back somebody into a corner. I say shame on you for bringing up something like that. That is absolutely a **full-blown lie**. Shame on you, sir, for not having your facts straight."

Casteel said that when Ratliff was appointed sheriff in 2008, **he knew the issue would come up sooner or later** but described Ratliff as having gone on to be an "outstanding" Ranger.

Sheriff Tommy Ratliff denies abuse allegations

By Patrick George | Thursday, October 14, 2010, 02:37 PM

Following a Hays County candidate debate in which he was accused of assaulting his ex-wife, Democratic incumbent Sheriff Tommy Ratliff issued the following statement.

As I wrote in the previous story, Republican sheriff candidate Gary Cutler denied that the accuser is affiliated with his campaign.

From the Hays County Sheriff's Office:

A supporter and campaign worker of Sheriff candidate Gary Cutler made false allegations of spousal abuse involving Hays County Sheriff Tommy Ratliff on Monday, October 11, during the League of Women Voters forum.

“This incident did not happen and is nothing but pure fabrication,” Sheriff Ratliff said about the alleged abuse during his service as a Texas Ranger in Pampa in the 1980's.

“I am happy to debate the issues, the programs I have initiated as Hays County Sheriff, or my community based approach to law enforcement and management. I challenge my opponent to return to the issues and call upon him to apologize to the good citizens of Hays County,” the sheriff added.

Defendant in murder trial tries to show entrapment

By Ciara O'Rourke | Thursday, March 29, 2012, 12:24 PM

UPDATE: SAN MARCOS — A Texas Ranger's theory about why a Buda man died emerged today as testimony continued during Mark David Simmons' murder trial.

Simmons, who has pleaded not guilty, was charged with murder, arson and tampering with evidence after authorities found Steven Woelfel's body burned beyond recognition in 2010.

An autopsy found that Woelfel, who had a bullet hole on the top of his skull, had been dead a week before he was burned in a fire at his home.

Texas Ranger Jimmy Schroeder testified today that when he interviewed Simmons in 2010, he believed that the Rockport man had killed Woelfel to rob him.

Several firearms were missing from the home, and authorities found weapons that matched the description of those missing in Simmons' possession when they arrested him about two months after they found Woelfel dead.

Simmons has said in court that he accidentally shot Woelfel and set fire to his home.

Simmons, who is representing himself, challenged Schroeder's version of events today, rattling off a list of big-ticket belongings that he left behind, including silver, a bicycle and a lawn mower.

"There was a lot of valuable stuff there," he said, asking Schroeder why someone who killed Woelfel to rob him wouldn't load up the victim's truck and flee.

Schroeder said he didn't think it was reasonable that a suspect would risk being caught in the truck of the murdered person with that person's belongings.

Simmons later said that his defense in this trial is duress and entrapment, claiming that he had been harassed by the National Guard on a near daily basis for the last five years.

EARLIER: SAN MARCOS — Mark David Simmons, accused of murdering a Buda man and representing himself in court, today again questioned whether the agencies involved in this case are corrupt.

Simmons (pictured) is charged with murder, arson and tampering with evidence. Authorities found the charred body of Buda resident Steven Woelfel in 2010. An autopsy found that Woelfel, who had a bullet hole on the top of his skull, had been dead a week before he was burned in a fire at his home..

Trial is in its fourth day.

After watching a nearly two-hour taped interview between Simmons and Texas Ranger Jimmy Schroeder in 2010, Simmons asked Schroeder whether corruption existed among the Texas Rangers during the past few years.

When Schroeder said he was not aware of any, Simmons mentioned former Hays County Sheriff Tommy Ratliff, who was investigated over an allegation of domestic abuse in 1988 when Ratliff worked as a Texas Ranger in Pampa.

Bruce Casteel, a retired senior captain and chief of Texas Rangers and Ratliff's superior officer at the time, said in 2010 that Ratliff's ex-wife had alleged abuse but later changed her story. The investigation was dropped.

The Statesman found no evidence of such history in public records.

Ratliff denied the allegation.

Simmons previously has questioned the credibility of the state, the Hays County District Attorney's Office and officials who responded to the fire at Woelfel's home in 2010.

Hays County District Attorney Cathy Compton objected today to the relevance of Simmons' questions, said that if the court indulges Simmons' "fantasies that he thinks are true because he found something on the Internet, we're going to be here for months."

Judge Bill Henry has requested that the trial wrap up by April 9.

When Henry sustained Compton's objection that Simmons questions weren't relevant, Simmons said he hoped the court would give him "a little bit of leeway" to "impeach the credibility of witnesses" and show that the defense was entrapping him.

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

HQ-9

Date 10-10-88

TO: H. R. Block, Senior Ranger Captain

Division Rangers

FROM: Bruce M. Casteel, Captain, Texas Rangers, Co. "C"

SUBJECT: Administrative Investigation Involving Ranger Thomas E. Ratliff

On Thursday, 09-28-88, I received a telephone call from a Mr. W. P. "Bill" Harral of Midland, TX. Mr. Harrell advised me that he is the father of Ann Harral Ratliff. His daughter, Ann, is married to Ranger Thomas E. Ratliff of Pampa. Mr. Harral stated that he had been advised by his daughter, Ann, that Tommy had assaulted Ann on Sunday, 09-25-88. Mr. Harral advised that he would fly into Lubbock on 09-26-88 to discuss this matter. I met Mr. Harral the next morning at the Lubbock Airport and Mr. Harrel related the following:

Mr. Harral stated that he learned from his daughter, Ann, that Ranger Ratliff had assaulted her on Sunday, 09-25-88, at Tommy & Ann's residence in Pampa. Mr. Harral stated that he learned of the assault after several telephone conversations with Ann. Mr. Harrel advised that Ann was very reluctant to tell him about the assault. When Ann did tell her father, she stated that she and Tommy had gotten into an argument enroute back to Pampa from Lubbock on Saturday, 09-24-88. After arriving back at their residence, Ann got into her and Tommy's van and left. Ann drove to Amarillo. Ann stated she spent the night in a motel in Amarillo and then returned home Sunday. Ann advised that Tommy was very upset and that they argued and then Tommy threw Ann to the floor. The next day Ann went to the hospital and determined that her collar bone was fractured and she had suffered a contusion.

Mr. Harral went on to state that he was not attempting to "get Tommy's job", however, he felt that Tommy needed some sort of professional counseling. Mr. Harral said that he did not believe Tommy would go to a counselor at Ann's request. Mr. Harral also advised that about three (3) years ago, while in Lubbock, Tommy had assaulted Ann. Ann had to miss work as a result of this assault. Shortly after this assault, Tommy and Ann consulted a marriage counselor.

Based on the information provided by Mr. Harral, I notified Senior Ranger Capt. H. R. Block on 09-29-88 of the allegation against Ranger Ratliff.

On Monday, 10-03-88, Sgt. Weathers and I went to Pampa. Ann Harral Ratliff, M.D. Obstetrics and Gynecology, was interviewed by Sgt. Weathers and myself. Ann stated that she and Tommy had driven to Lubbock on Friday, 09-23-88. On Saturday, 09-24-88, Ann stated that she was going to have lunch with Sharon Story, a friend from Lubbock. Tommy became upset because of Ann and Sharon's lunch plans. Later in the afternoon, as Ann and Tommy were returning to Pampa in their pickup truck pulling a horse trailer with one and a half (1½) tons of horse feed, the argument continued. Ann stated that she asked Tommy to slow down, as she felt that his speed was too fast.

After arriving in Pampa, Ann stated that she was tired of the argument and did not want to listen to anymore of it. Ann left and drove to Amarillo where she spent the night in a hotel. The next day, Sunday, 09-25-88, Ann advised that she did some shopping and returned to Pampa late in the afternoon. Ann advised that Tommy was very upset and angry. They both continued to argue. Ann then stated that Tommy grabbed her and threw her, very forcefully, to the floor. Ann advised that her head hit the floor and she

"saw stars." Ann left the house and went to her office. Ann called Sharon Story in Lubbock and a Vanessa G. Buzzard, a friend in Pampa to tell them what had occurred between her and Tommy. Ann then went to Vanessa's house and talked with Vanessa and her husband. Ann returned home that night and slept in a different bedroom than Tommy.

On Monday, 09-26-88, Ann was very sore and suffering from a severe headache. Later in the afternoon, Ann went to the emergency room of the hospital. Prior to this, Ann advised that she had thrown up on two occasions and being a doctor, she believed that there may be swelling of the brain, "increased intercranial pressure". Ann advised that she was treated by Dr. Hoffer, the Emergency Room Physician on duty. Dr. Hoffer determined that Ann had suffered a "mild cerebral contusion with nondisplaced fracture of left clavicle." Also during our conversation with Ann she related to Sgt. Weathers and I an incident that had occurred in Lubbock about four years ago where Tommy had slapped her and grabbed her so forcefully that she sustained bruises on both arms. As a result of this assault, Tommy and Ann went to a counselor on one occassion in Lubbock. Prior to Sgt. Weathers and myself leaving Ann's office, Ann was asked to write out the details of the assault which had occurred at her and Tommy's residence on Sunday, 09-25-88. Ann advised that she would write the statement, however, it would be the following day before it would be complete. Dr. Hoffer's report is attached to and made a part of this memorandum. Ann Harral Ratliff's notarized statement was picked up on 10-04-88 by Sgt. Weathers and myself.

After Sgt. Weathers and I finished conferring with Ann, we went to the Ranger office in Pampa and conferred with Ranger Ratliff. It was obvious to Sgt. Weathers and I that Ranger Ratliff was very defensive and when asked about throwing Ann to the floor, he denied this. Ranger Ratliff stated that he only pushed Ann backward after Ann's arms came around as if to strike him. I advised Ranger Ratliff to write a statement concerning these events that lead to Ann's injuries. Ranger Ratliff spent most of the afternoon in his office writing his statement then we had it notarized by a driver's license clerk in the Dept. of Public Safety office. Ranger Ratliff's statement is also attached to this memo.

On Monday, 10-03-88, Sgt. Weathers and I also interviewed Vanessa Buzzard who is an attorney in Pampa. Mrs. Buzzard also represents Tommy and his mother in some legal matters. Mrs. Buzzard stated that Sunday night, 09-24-88, she received a telephone call from Dr. Harral. She advised that Dr. Harral was very upset and crying. Mrs. Buzzard advised that she invited Ann over to talk. Ann arrived at the Buzzard's residence and told Mr. & Mrs. Buzzard that she and Tommy had had an argument and that Tommy threw her (Ann) to the floor of their residence. Mrs. Buzzard advised that Ann stayed at the residence for approximately one hour and then left.

Sgt. Weathers and I returned to Amarillo and spent the night. At about 9:50p.m., 10-03-88, I received a telephone call at my hotel room from Ranger Tommy Ratliff. Ranger Ratliff stated that he realized that what he had done to Ann was wrong and whatever we needed to do to just go ahead.


I telephoned Texas Highway Patrol Sgt. Bob Holder who is stationed in New Braunfels. Sgt. Holder was Ranger Ratliff's supervisor while Ratliff was stationed in New Braunfels. Sgt. Holder and his wife Kelley were good friends with Tommy and Ann. Sgt. Holder advised while he was Ranger Ratliff's supervisor that Ranger Ratliff had done him a good job and did not cause him any trouble. Sgt. Holder did state that he was aware that Ranger Ratliff did have a bad temper. I also talked with Kelley Holder and she told me approximately 2-3 years ago, Ann Ratliff had told her that Tommy had slapped her (Ann) and as a result of this Ann and Tommy went to a marriage counselor together. This incident occurred while Tommy was a trooper stationed in Lubbock and Ann was in medical school at Texas Tech University.

At approximately 10:p.m. on 10-04-88, I talked with Ranger Ratliff from my residence by telephone. Ranger Ratliff requested permission to go and talk with Mr. & Mrs. Buzzard -

the reason that Ranger Ratliff stated was to express his appreciation for the two of them taking care of Ann the night Ann arrived at their residence. Ranger Ratliff also requested permission to contact a counselor, possibly in Amarillo. I advised Ranger Ratliff that I did not have any objection with him talking with the Buzzards. I also told Ranger Ratliff that I believed that it would be a good idea for him to contact a counselor. I cautioned Ranger Ratliff about attempting to contact witnesses in this investigation. I do realize that Vanessa Buzzard could possibly become a witness in this investigation.

On Wednesday, 10-05-88, Sgt. Weathers and I flew to Austin and conferred with Capts. Block and Cook, Mr. John West of DPS Legal Services, and Asst. Director James Wilson. There was an agreement that Ranger Ratliff should be suspended with pay pending a psychiatric evaluation.

On Thursday, 10-06-88, Sgt. Weathers and I drove to Pampa where I served the suspension order on Ranger Ratliff. Ranger Ratliff's DPS equipment was picked up and returned to Lubbock.


Bruce M. Casteel, Captain
Texas Rangers, Co. "C"
Lubbock, TX

BMC:cp

attachments

HQ-9

DEPARTMENT OF PUBLIC SAFETY 104 1988
INTEROFFICE MEMORANDUM

Date 11-03-88

TO: W. M. Pruitt, Chief, Criminal Law Enforcement

Division Internal Af

JM FROM: James P. McElroy, Commander, Internal Affairs

SUBJECT: Complaint against Texas Ranger Thomas Earl Ratliff, Pampa
Complainant: Texas Ranger Sergeant Carl A. Weathers, Lubbock

Please be advised that Internal Affairs file number 88-146 has been assigned to this complaint. This complaint was phoned in by Captain Lefty Block.

JMc:kt



Texas Department of Public Safety

Personnel Complaint

Date 11-02-88

Complainant's full name (print or type) Sergeant Carl A. Weathers	Complainant's address: Box 420 Lubbock, Texas 79408	Telephone No.: (806) 747-4491
Day & date of alleged misconduct: Sunday, September 25, 1988	Approximate time of alleged act(s) of misconduct: 7:30 p.m.	
Location where incident occurred: In the home of Texas Ranger Thomas E. Ratliff and his wife, Ann, located at Rt. 1 Box 12C, Pampa, Texas.		
If a person was arrested print or type name of arrested person: n/a	Arrested person's address: n/a	Telephone No.: n/a
Indicate relationship of arrested person to complainant: n/a		
Name or other identifying information relating to the DPS employee against whom the allegation(s) is/are being made: Thomas E. Ratliff, ID #3078, Texas Ranger, Company "C", Pampa, Texas		
— Witness or Witnesses (if any) —		
Name of witness: William R. Harral Ann Harral Ratliff	Address of witness: 3805 S. County Rd. 1187 Midland, Texas 79701 Rt. 1 Box 12C Pampa, Texas 79066	Telephone No.: (915) 682-3110 (806) 669-3515
<p style="text-align: center;">Nature of Complaint(s)</p> <p>Clearly indicate the nature of your complaint. (Use reverse side of the form if more space is needed.)</p> <p><u>Information was provided by above witnesses alleging that on 09-25-88, during an argument, Texas Ranger Thomas E. Ratliff grabbed his wife, Ann Harral Ratliff, picked her up off the floor and threw her to the floor causing bodily injury. The same witnesses further alleged that on a prior occasion, during a heated argument, Ranger Ratliff struck his wife, Ann, and threw her down causing bodily injury.</u></p>		
<p>This complaint alleges that Department policy as well as a criminal statute was violated: DPS General Manual Chapter 5, Page 4, 05.10.00 Compliance with Law; Chapter 6, Page 1, 06.10.00 Ten General Orders #3 and #10; Chapter 6, Page 1, 06.15.01 IACP Law Enforcement Code of Ethics #2; Chapter 6, Page 2, 15.02 Canons of Police Ethics</p>		

(Nature of Complaint - cont'd)

#4 and #6; Texas Penal Code, Chapter 22, Section 22.01 (a)(1).

Complainant Signature Witnessed By:

Bruce Foster

Copy Received:

Terrell 11-3-88
Employee Signature Date

Response Waived:

Employee Signature Date

Carl H. Winters
Signature of complainant

☐ Complainant refused to affix signature

☐ Other (explain)

Art. 6252-20. Complaints against law enforcement officers; writing; signature.

In order that complaint against a law enforcement officer of the State of Texas, including but not limited to officers of the Department of Public Safety and the Liquor Control Board, or against a fireman or policeman may be considered by the head of a state agency or by a chief or head of a fire department or police department, neither of which is under the protection of a civil service Statute, the complaint must be placed in writing and signed by the person making the complaint. A copy of the signed complaint must be presented to the affected officer or employee within a reasonable amount of time after the complaint is filed and before any disciplinary action may be taken against the affected employee.

Acts 1969, 61st Leg., p. 1333, ch. 407

DEPARTMENT OF PUBLIC SAFETY

INTEROFFICE MEMORANDUM

11Q-9

Date .. Rangers

Division 10-28-88

TO: H. R. Block, Senior Captain, Texas Rangers

FROM: Bruce M. Casteel, Captain, Texas Rangers, Co. "C"

SUBJECT: Recommendation for Transfer - Texas Ranger Thomas E. Ratliff, #4078,
Company "C", Pampa, TX

Pursuant to information received from a Mr. William R. Harral concerning an assault on Dr. Ann Harral Ratliff, wife of Texas Ranger Thomas E. Ratliff, an administrative investigation was conducted by myself and Sgt. Carl Weathers. As a result of this investigation, I believe that wide spread knowledge of this occurrence is not only known through out the Dept. of Public Safety, but also in the area where Ranger Ratliff works. I offer the following as examples:

1. According to Dr. Harral, she made arrangements on Saturday, 09-24-88, with Dr. Moss Hampton, an O.B.-GYN physican of Pampa to cover her practice on Sunday, 09-25-88. Yet Dr. Hampton telephones the Harral residence at 6:00 a.m. on Sunday, 09-25-88 and requested to speak with Dr. Harral. Ranger Ratliff answered, "I do not know where she is," and asked Dr. Hampton what the problem was. Dr. Hampton explained that he needed Dr. Harral's medical assistance for an emergency surgery.
2. Shortly after the assault on Sunday, 09-25-88, Dr. Harral goes to her office and telephones Sharron Story, a friend in Lubbock who is married to THP Lt. Larry Story. Dr. Harral relates the details of the assault to Mrs. Story. Mrs. Story, in confidence, tells her husband. Lt. Story then notifies his Captain, Joe Reinhart, and tells Capt. Reinhart the details of the assault.
3. After telephoning Mrs. Story, Dr. Harral drove to the residence of Mark and Vanessa Buzzard. Dr. Harral stays there for approximately one hour and tells Vanessa about the assault. It is my understanding that Mark was also present and made aware of what had occurred.
4. On Monday, 09-26-88, Dr. Harral was scheduled to see patients of the Texas Dept. of Health, but was unable to do so because of a severe headache. Sometime in the afternoon, Dr. Harral goes to the Coronado Hospital Emergency Room in Pampa. Dr. Harral is examined by a Dr. E. C. Hoffer; Dr. Hoffer is told by Dr. Harral that her injuries were sustained after she fell from her horse.
5. On 10-03/04-88, Sgt. Weathers and myself were in and out of Dr. Harral's office several different times which leads me to believe that Dr. Harral's employees, as well as Drs. Hampton and Hoeffler may have some awareness of the assault on Dr. Harral.
6. Sgt. Weathers and I were also in and out of the Pampa DPS office during this investigation. A Drivers License clerk was used to notorize Ranger Ratliff's statement, then shortly thereafter, Ranger Ratliff is not seen at the DPS office.
7. Mr. William Harral, after he learns of the assault, talks with Bill Decker, an ex-Midland County Deputy Sheriff. Mr. Harral asked Mr. Decker for Decker's input as to how he should handle the assault of his daughter by Ranger Ratliff. Mr. Decker advised Mr. Harral that he knew of a retired Texas Ranger living in [redacted] and gave him some good advise. Mr. Decker calls retired

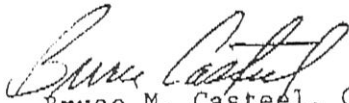
Ranger Charlie Hodges. Ranger Hodges then tells Mr. Decker to notify Ranger Ratliff's Captain.

8. Ranger Sgt. Bob Favor of Midland related to Sgt. Weathers and myself that a narcotics officer came into the Ranger office in Midland asking if there was any truth to the rumor that Ranger Ratliff had assaulted his wife.
9. Within a few days after beginning this investigation, I was personally contacted by at least three Rangers in Company "C" requesting information about the rumor that they were hearing reference Ranger Ratliff assaulting his wife. As a result of their request, I called a Company "C" meeting on Tuesday, 10-11-88. At that time, the members of Company "C" were advised of the facts and details of the assault and as to where the investigation stood at that particular time. The feeling I received from the majority of the Rangers in attendance was that if Ranger Ratliff had assaulted his wife and caused the injuries stated in Dr. Hoffer's report that they would find it very difficult to continue a professional relationship with him. All of Co. "C" Ranger personnel were instructed not to discuss this matter.
10. I also learned through Capt. Cook in Austin that shortly after the investigation started, that several Rangers attending school in Austin came into Capt. Cook's office and wanted to know if what they were hearing about Ranger Ratliff and his wife were true. It is obvious that wide spread knowledge of this incident was out within a few days.
11. THP Lt. Larry Story related to me in the last few days, while attending a Highway Patrol area meeting, a Trooper in attendance advised Lt. Story that while he (Trooper) was attending an Intoxlizer Recertification School in Pampa, a local Pampa Trooper related to him that Ranger Ratliff was on suspension for assaulting his wife.
12. THP Capt. Joe Reinhart has also advised me that several officers under his command have been asking questions concerning Ranger Ratliff's suspension.
13. Neither the writer nor any one else involved in this investigation has communicated information concerning this matter to any other person unless it was absolutely necessary to do so. This occurred only when such would further the investigation or enable the writer to effectively manage man power resources and provide coverage for the counties assigned to Ranger Ratliff during his suspension.

CONCLUSION:

Based on what I have observed during this investigation, and my experience in the Ranger Service, I am concerned about the situation. The relationship that a Ranger has with the law enforcement community and other people that he works with in a geographical area must be untarnished for the Ranger to be effective in his duty station. Given this situation, the writer is convinced that Ranger Ratliff's reputation has been severely damaged and he can not effectively perform the duties of

a Texas Ranger in Pampa, Texas. I have a belief that his actions has brought discredit to the Department of Public Safety. Therefore it is my recommendation that he be transferred to another duty station to determine if he can perform the duties required of a Texas Ranger.



Bruce M. Casteel, Captain
Texas Ranger, Co. "C"
Lubbock, TX

BCM:cp

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD. - BOX 4067 - AUSTIN, TEXAS 78773-0001



JOE E. MILNER
DIRECTOR

JAMES R. WILSON
ASST. DIRECTOR

October 31, 1988



COMMISSION
RUBEN R. CARDENAS
CHAIRMAN
CALVIN R. GUEST
ALBERT B. ALKEK
COMMISSIONERS

Ranger Thomas E. Ratliff
Texas Ranger Service
Department of Public Safety
2909 Perryton Parkway
Pampa, Texas 79065

Dear Ranger Ratliff:

This is to advise you that you are being transferred from Pampa to Austin effective December 1, 1988 and assigned to the Headquarters Company of the Texas Ranger Service. This transfer is nondisciplinary and is for the good of the service. I believe you can be a more effective Ranger in the new duty station and be in a position to establish positive working relationships with your new supervisors. This transfer has been recommended by your entire chain of command. Authorized moving expenses will be paid by the Department of Public Safety.

You are reminded that this is a direct order, pursuant to the authority of the Director, under the General Manual provision 7A, Section 07.50.03. Your failure to comply with this order will be in direct contravention of General Order #4 found in the General Manual Chapter 6, Section 06.10.01 (4). An employee who fails to comply with a lawful order may subject himself to suspension or removal pursuant to charges under General Manual Section 07.42.05 (2) (b) and Section 06.30.02 (2).

Sincerely,

Joe E. Milner
Director

JEM:Pb

cc: W. M. Pruitt, Chief, Criminal Law Enforcement
✓ H. R. Block, Senior Ranger Captain, Ranger Service
Maurice Cook, Captain, Assistant Commander, Ranger Service
Bruce Casteel, Captain, Ranger Service
Carl Weathers, Sergeant, Ranger Service
John West, Jr., General Counsel
Accounting

10/5/88

Tommy became angry with me 2 weeks ago. The issue remained unresolved when we travelled to Lubbock on 9/23/88. He became furious with me over a request to have lunch with Sharon Story on Sat, 9/24/88. On our return trip toampa with a horse trailer loaded with $1\frac{1}{2}$ tons of feed, Tommy was travelling in excess of 75 mph. When I asked him to decrease his speed, I was told that "If I didn't like the way he drove, I could get out and walk." The trip continued at the same ^{rate of} speed. In order to avoid further confrontation that evening, I left home and returned to Amarillo, where I spent the night at the Fifth Season Motel-West. Prior to my leaving Tampa, I made arrangements for Dr. Hanger to cover my practice while I was gone. However, he called our home at approximately 0600 on 9/25 to request my

assistance for or emergency surgery.
I was, of course, not at home, and
Tommy was forced to tell my
associates that he did not know
my whereabouts or when I would
return. I spent Sunday in
Oranillo, returning home at ~ 1930.

Upon arrival to our house,
Tommy questioned me as to my
whereabouts for the previous 24
hrs. I was told that "if I ever
left again, I would find my
things in the front yard when
I returned." The language became
abusive ~~and~~ with stonings
and accusations made about the
possibility of my having an affair.
Tommy was staring directly
into my face. I responded that I
would go wherever and whenever I
pleased. At this point, Tommy
grabbed me, picking me up off the
floor and throwing me to the
ground. I landed on my left
side hip and left shoulder,
striking the left parietal region

of my head on the floor I "saw stars" as to speak, but did not lose consciousness. To my knowledge, Tommy did not strike or kick me further at this time. I scrambled to my feet and retreated to the bedroom. The shouting continued with Tommy's threat of "I'll kill you if I ever find you in bed with someone else." I grabbed my keys and drove to my office. I was crying and very upset. I called Sharon Story in Lubbock, and then left my office and drove to Vanessa Buzzard's residence at 2100. I stayed for approximately one hour and returned home. There was no further conversation between Tommy and myself. I slept in the guest bedroom.

The next morning I went to work with an extreme headache. I was scheduled to see patients at

the Texas Dept. of Health
that afternoon, but was unable
to ^{do so} because of a severe headache
which worsened despite analgesics.
I went to the barn to feed the
horses at ~1800. I vomited
once prior to leaving home, and
once again at the barn. In
combination with the increasing
headache, at this point, I was
concerned about the possibility
of increased intracranial pressure
and went to the emergency room
where I saw Dr. Hyffer, the
ER physician ^{on duty}. This report has
been submitted to you. I
returned home and informed
Johnny of the concussion and
fractured left collarbone. His
response was one of surprise.
There was no further conversation
between us that evening.

In addition to the above
described occurrence, a previous
incident happened in Lubbock
in the Spring of 1985. During

a heated argument, Jimmy threw me onto the bed resulting in ^(bruises) ecchymosis ~~was~~ with "fingerprints" on my arms. We saw a marriage counsellor in Lubbock for one visit. Physical abuse was discussed, and during this session, Jimmy did admit to previously hurting me.

A second incident occurred ~2 years ago in Lubbock, again during an ~~angry~~ argument with shouting and abusive language. Because of the first incident described above, as the argument escalated, I became fearful that once again I might be hurt. I struck out, kicking Jimmy in the groin area and thus allowing me time to flee, which I did. There were no physical blows made by Jimmy at that time.

Since the incident of Sunday, 9/25/88, Jimmy and I have had a long discussion. Several things not previously known to me, were

made apparent and I feel are very important.

- 1.) Tommy discussed his lack of attention and affection from his father as related to his demand for a "display of affection" from me.
- 2.) Tommy related an incident to me when he was a small boy and was beaten so badly by his father that his mother had to stop the beating. He also told me of the many "whippings" by his father using a bullwhip when "Mr. Rollif" lost his temper.
- 3.) We attempted to compare Tommy's "temper" with his father's methods of dealing with feelings of anger and Tommy's possible use of excessive force with both myself and others.
- 4.) Finally, we discussed Tommy's position as a Texas Ranger associated with his feelings of

pride vs. feelings of superiority.

In conclusion, I would like to state that although I am concerned about my future relationship with Jimmy and, as a physician, am acutely aware of the likelihood of the recurrence of his behavior toward me, I do not desire revenge or that punitive action be taken toward Jimmy at this time. I believe that this problem is an "illness" as is child abuse or alcoholism. In the ten years that I have known Jimmy, I feel that this is perhaps the first time he has had an insight into his problem. I would seek your aid in procuring for Jimmy the help and counselling that he needs.

Ann E. Harrel MD
Subscribed and sworn to before me this 4th day of October 1988.
[Signature] Notary Public, county Yuba
State of CA. My Commission Expires 11/11.

P.C. 11-83

DEPARTMENT OF PUBLIC SAFETY
State of Texas

Voluntary Statement - (Not under arrest)

THE STATE OF TEXAS :

COUNTY OF LUBBOCK :

Before me, the undersigned authority in and for said County and State, on this the 10TH day of October, A. D. 1988, personally appeared Sharron E. Story, who, after being by me duly sworn, deposes and says:

On Saturday, September 24, 1988, Ann Harrel called me around 10:30 A.M. and ask me if I had time to go to lunch with her. I said "yes". She asked me to come by and pick her up at her motel in about an hour. At 11:30 A.M., I arrived at the Barcelona Motel, to pickup Ann, both Ann and Tommy were outside. Tommy appeared very withdrawn and visibly upset. We were to meet Tommy after lunch, back at our house, at 1:30 P.M. When Ann got into the car, I asked her what was Tommy upset about? Her reply was that he was upset because we did not ask him to go out to lunch with us. We went to eat and left the restaurant about 1:15 P.M. We then drove to my house, because Ann wanted to make sure we weren't late. When we arrived, Tommy was not there. We waited until 1:50 P.M. and then went to the motel to check on Tommy, because Ann did not want him to be anymore upset than he already was. Tommy arrived at my house before we returned from the motel. When we arrived, his attitude was very negative. They stayed at out house for approximately 30 minutes and then they left. After they left, I went shopping at a store called "Michaels". Ann was there shopping. Ann said Tommy had not eaten lunch, and he had gone next door to eat. I asked her if Tommy was still mad and she said, "Yes, he was still laying a poor Tommy trip on me". We talked for about 10 minutes and then I left. On Sunday night, September 25, 1988, at approximately 8:30 P.M., Ann called me from Pampa. She was crying and very upset. I asked her what was wrong? She said that Saturday things had gone from bad to worse. When they got home they had a big verbal fight. She left and went to Amarillo and spent the night. The next day, she did some shopping in Amarillo, and then returned to Pampa. While she was gone several people had tried to call her, including her parents, and Tommy was unable to tell anyone where she was. He became very embarrassed about his inability to tell these people where his wife was. When Ann got home, Tommy accused her of having an affair and told her that if she ever left like that again he would kill her. She told him that she would not be a prisoner in her own house. Tommy then slapped her and jerked her up and threw her on the floor. This caused her to hit her head on the floor. When Ann could get up, she left the house and went to her office. I convinced her to go talk to someone in Pampa. She knew a lawyer named, Vanessa, and she decided to go see her. I asked her to call me back later, before midnight, and tell me what Vanessa, had said. At approximately, 10:45 P.M., she called back. She said she was going home and would sleep in the other bedroom. I was very concerned about her being in the same house with Tommy, but she insisted that everything would be alright. The next day, I called Ann, at her office. She said she hurt all over and had gone home the night before and soaked in the tub. Tommy had asked how she was, but had not said or done anything else. She also said her head was really hurting. On Wednesday, Ann called again to say she had been to the emergency room, on Monday. Her head had been hurting really bad. I asked her what she had told the emergency room doctoor. She told him that she had fallen off a horse. After her x-rays came back, he told her that she had a fractured clavicle and a mild concussion. She then said she went home and threw the report down on the bar and asked Tommy, "Do you feel like a real man now?"

Tommy replied that he didn't mean to hurt her. Ann then began talking about the fact that her father knew something had been going on between her and Tommy. She said she had finally broken down and told him what had happened. At this point, Ann said that her father was going to talk to Captain Casteel, about Tommy. His intentions were to ask Captain Casteel to force Tommy to get some help for his problem, since this was not the first time Tommy had used physical force on Ann. Ann and I had talked about Tommy's previous use of force on her and his bad temper. Four years ago, Tommy and Ann had gone to a counselor about their problems. Ann said it really helped as long as they were going, but Tommy stopped going because he was afraid someone would find out and this would hurt his chances for making Ranger. I was very concerned about Ann staying in the house with Tommy, after her father talked to Captain Casteel, but Ann said Tommy would not dare hit her again. He knew he would loose his job and his job was the most important thing in the world to him. Ann said they had not had a chance to talk, because of her work schedule. She said after Thursday, they were going to have a long talk. On Sunday, October 2, 1988, Ann called to say she had gone to Midland on Thursday night after Tommy had talked to Captain Casteel. She left because she was scared of Tommy's reaction. Tommy had come in while she was packing and they had their long talk. Ann then went to Midland and spent the weekend. She was going to think things out. I have talked to Ann at least three times since her return from Midland. Her emotional state at this point is one of confusion and regret. Regret because Tommy is trying to make her feel like the villain in this situation. I also spent the night with Ann on Saturday, October 7, 1988, in Pampa. Tommy was in Midland visiting with her parents.

Sharon Elaine Story

Subscribed and sworn to before me, the undersigned authority, on this the 10th day of October, A. D. 1988.

Larry D. Story
LARRY D. STORY

Notary Public in and for
Lubbock County, Texas.

My commission expires 4-18-89

**DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM**

HQ-9

Date 12-16-88

TO: Thomas E. Ratliff, Texas Ranger, Headquarters Company Division Rangers

FROM: Bruce M. Casteel, Captain, Texas Rangers, Co. "C"

SUBJECT: Chain of Command Administrative Review

At your request, a chain of command administrative review was conducted between you and me on Thursday, 12-15-88 at the Department of Public Safety Legal Office.

I have considered the four points of contention that you personally submitted to Capt. Cook, Asst. Commander, Texas Rangers, in your memo dated 12-08-88 and my response to these points of contention are as follows:

1. I did not cause bodily injury to an individual during a domestic altercation.

You fail to present evidence to convince me that the injuries caused to your wife were not committed by you.

2. There is not a proper complaint.

There is a proper complaint on file.

3. There is no basis to file a complaint.

I believe that there was sufficient evidence to file the complaint based on the investigation that was conducted.

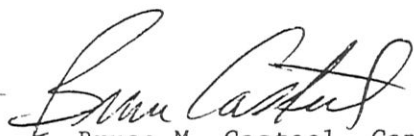
4. The individual that I was alleged to have caused bodily injury during a domestic altercation was coerced or misled in making a statement.

This point of contention is total fabrication.

I have also read the reports that you submitted to me by Dr. Thomas M. Cannon, Jr. Ed.D, Counseling Psychologist of Amarillo, TX and I see nothing in his report to change what occurred between you and your wife on 09-25-88.

During the course of our interview you posed several questions to me concerning this incident. I hope that these questions were answered satisfactorily by me but I see nothing raised by these questions that alters the disciplinary action assessed to you.

I concur with Chief Pruitt in assessing you the six month disciplinary probation. If you wish to continue this appeal process, you should contact Senior Ranger Capt. H. R. Block within ten (10) days.

A handwritten signature in cursive script, appearing to read "Bruce M. Casteel".

Bruce M. Casteel, Captain
Texas Rangers, Co. "C"
Lubbock, TX

cc: Col. Joe Milner
John West, Chief of Legal
Chief W. M. Pruitt
Capt. H. R. Block

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

HQ-9

Date 01-23-89

TO: W. M. Pruitt, Chief of Criminal Law Enforcement

Division Rangers

FROM: H. R. Block, Senior Ranger Captain

SUBJECT: Chain of Command Administrative Review - Texas Ranger Thomas E. Ratliff
#4078

Pursuant to his request, an in-line review of the disciplinary action taken in relation to that recommendation and approved for Thomas E. Ratliff was conducted on January 23, 1989. Such review was originally scheduled for 9:00AM on January 18, 1989. However, at said time and date Ranger Ratliff announced he was not ready and stated his attorney could not be present due to a conflict in his schedule. He also wanted to present some letters and information for review which he felt might affect the final results of the review. The packet containing the letters and information were delivered to the writer's office at 4:55PM on January 18, 1989 after Ranger Ratliff had gone for the day.

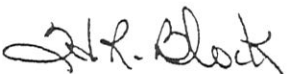
After a review of the material submitted (copy attached for your perusal) it is the conclusion of the writer that nothing contained therein would have any substance to affect the previous conclusion and recommendation of a six (6) months probationary period.

Ranger Ratliff arrived at the Austin Headquarters Office at 7:30AM on January 23, and requested to begin the review immediately without his attorney, Larry Laden, present. The review was conducted without any viable evidence or additional information being submitted that would change or affect the previous action recommended and approved in the disciplinary process. The review was concluded at 8:10AM with Ranger Ratliff being verbally advised that no change would be recommended concerning the disciplinary action recommended. At 8:15AM on same date, Attorney Larry Laden came into the Ranger Headquarters Office and requested a discussion of Ranger Ratliff's job status and options available to him in the Ranger Service. Even though he represented Ranger Ratliff he could not offer any further evidence or information to affect the recommended disciplinary action for Ranger Ratliff. The discussion concluded at 9:04AM.

CONCLUSION:

Upon completion of the Chain of Command Administrative Review, I concur with Captain Casteel's recommendation that Ranger Thomas E. Ratliff be placed on six (6) months disciplinary probation.

Respectfully submitted,



H. R. Block
Senior Ranger Captain
Texas Ranger Service

HRB:wkb

DEPARTMENT OF PUBLIC SAFETY INTEROFFICE MEMORANDUM

Date 02-10-89

TO: Thomas E. Ratliff, Texas Ranger, Headquarters Division CLE
FROM: W. M. Pruitt, Chief, Criminal Law Enforcement
SUBJECT: Chain-Of-Command Administrative Review

On February 8, 1989 between the hours of 9:00 a.m. and 11:00 a.m., I met with you concerning the Chain-of-Command review of my recommendation that the personnel complaint initiated against you by Captain Bruce Casteel be classified as **sustained**, and that you be placed on six (6) months disciplinary probation.

I have again reviewed the personnel investigation and all documents which you supplied as additional information for consideration. I have taken into consideration all statements made by you during the chain-of-command review session and have reconsidered all aspects of this incident.

Based on all information available to me at this time, it is my determination that sufficient facts are available to establish that the classification of **sustained** is the appropriate classification for the complaint. I have also determined that in the best interest of the entire Department of Public Safety, the Texas Ranger Service, and you personally, that you should be placed on six (6) months disciplinary probation in order that your compliance with DPS policies and procedures be more closely monitored.

You are also advised, based on your request for chain-of-command review, that the probationary period has been stayed until such time as a final determination is made concerning this matter.

Should you desire to continue the chain-of-command review, you should notify the Director of your intentions within ten (10) days.

WMP

W. M. Pruitt, Chief
Criminal Law Enforcement

WMP:hb

cc: Joe E. Milner, Director
John West, Chief, Legal Services
H. R. Block, Sr. Ranger Captain, Ranger Service
Maurice Cook, Captain, Ass't. Commander, Ranger Service
Internal Affairs
Personnel

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD. - BOX 4087 - AUSTIN, TEXAS 78773-0001



JOE E. MILNER
DIRECTOR

JAMES R. WILSON
ASST. DIRECTOR



COMMISSION
RUBEN R. CARDENAS
CHAIRMAN
CALVIN R. GUEST
ALBERT B. ALKEK
COMMISSIONERS

February 24, 1989

Ranger Thomas E. Ratliff
Ranger Service
Texas Department of Public Safety
P. O. Box 4087
Austin, Texas 78773

Dear Ranger Ratliff:

This letter is to advise you of my decision concerning your chain-of-command administrative review of the complaint numbered I.A. 88-146.

I have studied our file and the additional information you provided on this case. After careful consideration of the facts in this case, I have decided there is no compelling reason for me to overturn the classification of "sustained." The classification of this complaint will remain "sustained." You will be placed on six (6) months disciplinary probation effective March 1, 1989.

This concludes the departmental review of this case.

Sincerely,


Joe E. Milner
Director

JEM:dw

05 August 1992

Tel: 512-892-0181

RECEIVED

AUG 06 1992

Sr Capt Maurice C. Cook
Texas Rangers
Austin, Tx

TEXAS RANGERS

In confirmation of, and followup to our recent telephone conversation, I am submitting the following statement.

As stated to Col Thomas as well as yourself, this is not a complaint but is submitted for information only.

During the first week of June, 1992, in the early evening, Ranger Tommy Ratliff, accompanied by another officer, appeared at my door seeking information as to the location of one of my grandsons.

Apparently the grandson had used my address as his permanent address during job transfers, etc.

My wife answered the door and Tommy asked for me. I went to the door and Tommy asked to see the boy. I told him he wasn't here and I didn't know where he was, or where he was living. I further stated that I was a DPS retiree and would help in way possible.

Tommy said he had a felony warrant from Midland County for the boy and had to locate him and insisted that I must know where he is or where he lives.

I neither saw nor asked to see the warrant as I had no idea where the kid could be located. I told Tommy where his parents live and where his father works, which was all I could tell him.

Tommy insisted that I must know where the kid is and became extremely agitated. At this point the other officer intervened and I thought I was about to see the "Good Cop-Bad Cop" routine, but Tommy had paled and had begun to tremble, so in exasperation, I offered my hands for the cuffs and said I was ready to go down town.

My wife became upset at this exchange and assured both officers that neither of us had any information that could be of use to them.

Tommy once more insisted that we "had to know" and it appeared to me that he was reaching for his weapon but the other officer touched him on the shoulder as I turned to protect myself. There was a short whispered conversation between the two and Tommy said, "Goodbye, Mr Cox. Have a good day" and walked to his vehicle. I responded, "Goodbye, Ranger", and closed the door."

Frankly, I feared for my physical safety during this confrontation as my weapons were in another room and I was faced with two people carrying weapons and one of them appeared to have totally lost emotional control.

I am at loss to explain this situation. Perhaps I unwittingly precipitated it or perhaps Tommy was just having a bad day. I simply didn't comprehend his reaction.

If Tommy had been from an outside agency (outside DPS), I would have visited Internal Affairs immediately, but this is family and let's keep it that way.

In closing, please accept my congratulations on your promotion. I know you have earned it and will do a great job in the tradition of Bill Wilson, et al.

Sincerely

A handwritten signature in black ink, appearing to read 'Frank T. Cox', with a stylized, flowing script.

Frank T. Cox
Chief, DEM/DPS (Retired)

HQ-9

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

Date 01-23-89

TO: H. R. Block, Senior Ranger Captain
FROM: David A. Byrnes, Sergeant, Texas Rangers Company "B"
SUBJECT: Conversation concerning Ranger Tommy Ratliff

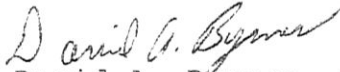
Division CLE

During the first part of the week of 01-01-89, I had occasion to be in the Criminal Intelligence Service Garland office. I was approached by agent Foy Goldston reference Ratliff's current status or situation.

A general conversation ensued. Goldston expressed regret that Ratliff had problems and stated in general terms that Ratliff had a temper. Goldston made a comment relating to a traffic assignment in the Decatur area where Ratliff threw a temper tantrum. Goldston also made the comment to the effect that, "I was surprised when he made Ranger" or a similar type statement.


Goldston generally expressed sympathy for Ratliff's wife and regret that the situation had arisen.

Respectfully,



David A. Byrnes, Sergeant

DAB:pd



Thomas Earl Ratliff

Texas Ranger Thomas Earl Ratliff, Texas Ranger Service, was born at Del Rio, Texas and is thirty-five (35) years of age (8-17-53). He is married and has no children. Ratliff was educated at Del Rio and graduated from that city's high school in 1971. He then attended and graduated from Southwest Texas State University May 17, 1975 with a BS degree in Agriculture. No military service is indicated. Before joining the Department, Ratliff held only summer employment.

Ranger Ratliff was appointed a Patrolman-Trainee on October 29, 1975. His standing in recruit school was #49 out of 97. On March 5, 1976 he was assigned to the Highway Patrol Service and stationed at Midland. At his request, he transferred to San Antonio on May 1, 1980 and to New Braunfels on October 1, 1980. Again at his request, he transferred to Lubbock on May 1, 1984. He was promoted to Trooper II on April 1, 1981 and to Trooper III on April 1, 1984. Effective September 1, 1987 he was promoted to Texas Ranger and stationed in Pampa.

A copy of the current Progress Report for Probationary Employee (08-88) is attached.

The personnel file reflects that Ranger Ratliff has received three (3) previous complaints and eleven (11) written commendations.

The complaints:

- | | | |
|----|----------------|---|
| 1. | Complainant | Captain Randol Gilmore
November 1982 - November 1983 |
| | Complaint | Trooper Ratliff used Comal County telephone service for personal long distance phone calls on a number of occasions. |
| | Classification | Sustained.
Trooper Ratliff received a formal written reprimand. |
| 2. | Complainant | Mr. Thomas W. Davis
August 4, 1985 |
| | Complaint | (1) Were very abusive and used profane language
(2) Issued a citation with an erroneous violation
(3) Placed your clipboard on his chest and shook your pen in his face
(4) Were a person with an obvious dementia
(5) Were conducting an obvious harassment of the public. |
| | Classification | Unfounded |
| 3. | Complainant | Mr. Jim Bob Dickey
September 13, 1985 |
| | Complaint | (1) Used profanity during his arrest
(2) Assaulted him |
| | Classification | Exonerated |

Attach.

Prepared by: George K. Webb, Assistant Personnel Director, Personnel Bureau

Date: 10-28-88

TOMMY RATLIFF

Texas Ranger Headquarters Office
Texas Department of Public Safety
9000 IH-35 North
Austin, Texas 78757

RESPONSE

Date: May 5, 1994

Complaint: C94-023

Complainant: Bruce M. Casteel, Captain - Texas Rangers, Headquarters Division

Date of Complaint: March 14, 1994 (Received)

Allegation: Misconduct of commissioned peace officer

Accused: Tommy E. Ratliff, Sergeant #4078 - Texas Rangers, Headquarters Division

Investigator: Earl R. Pearson, Lieutenant - Texas Rangers, Company "F"

Receipt of the **written** decision in this matter is acknowledged, as of May 5, 1994. The findings are set forth on a total of five (5) pages with the signatory being "The Complainant", Bruce M. Casteel, Captain (Assistant Commander - Texas Ranger Division). It is duly noted that this written decision does not address or even acknowledge the FACTS set forth in Sgt. Ratliff's timely, written, response dated March 17, 1994.

Therefore, this correspondence is intended as formal notification of Sgt Ratliff's intent to QUESTION and APPEAL the findings/ decision. As a **partial** basis for this decision, your attention is referred to the Policies and Procedures manual, Page 7A-6, Section 44.02, **Complaint Review and Final Determination**, Paragraphs 1, 2, and 3.

1) The major division chief shall be responsible for reviewing the investigation and ensuring that the investigation is made available to Internal Affairs and Legal Services for review. Internal Affairs will review and return the investigation within five (5) days* and Legal Services will review and return the investigation within fifteen (15) days.

2) The major division chief, after review of the investigations and reviews by Internal Affairs and Legal Services, will indicate disciplinary action, if any, to be taken in the case within fifteen (15) days.* Recommendations for discharge will be forwarded to the Director for review. The Director may accept or modify the recommendation. However, the action of the Director is final so far as departmental action is concerned. In instances of disciplinary action of less than discharge, the major division chief will be responsible for implementing the action to be taken. Once the final disposition of the complaint has been determined, the responsible major

RESPONSE

Sgt. Tommy E. Ratliff

May 5, 1994

Page 2

division chief will forward the original investigation, attachments, and reviews to Internal Affairs.

3) The major division chief shall prepare a written notification to the employee advising him or her of the Department's finding and whether or not disciplinary action has or is being taken in the case. This notification will also indicate the employee's options. Copies of this notification shall be furnished the employee's in-line supervisors and Internal Affairs. The case shall be considered closed if the employee fails within ten (10) days* of receipt of this written notification to commence any of the appeal options outlined for him. A copy of the notification shall be included in the employee's personnel file.

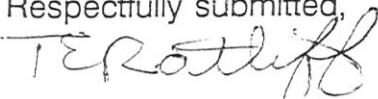
*As defined in 01.01.25.02

It is duly noted that the time differential between the written response previously submitted by Sgt. Ratliff and the current date is **48 days**. Additionally, the total timeframe between initiation of this complaint and the current date is **128 days**. **Based upon these observations, those set forth in the previous response, and the lack of documented support for the findings, it is concluded that the investigation was biased and that the conclusions/ decisions were predetermined.** Additionally, it is readily apparent the Policies and Procedures pertaining to complaints and investigations **have not been adhered to** under the promulgated guidelines.

Therefore, based upon the previous response and the obvious inconsistencies in adhering to Policies and Procedures, Sgt. Ratliff again requests that this complaint be dismissed immediately without prejudice. Sgt. Ratliff acknowledges the Policies and Procedures guidelines pertaining to Chain of Command Administrative Review in this type of action (General Manual, Chapter 7A, Page 7A-10, Section 46.03). Therefore, under the circumstances, Sgt. Ratliff respectfully waives review of this matter by the immediate Supervisor (Capt. Bruce Casteel) and formally requests that a meeting for review by The Director (Colonel Wilson), be scheduled. In order to adequately prepare for this meeting and/ or review, Sgt. Ratliff requests access to the **ENTIRE** case file in this matter. **TIME IS OF ESSENCE** and a written acknowledgement/ response to these requests is considered appropriate.

Sgt. Ratliff again specifically reserves all **rights, privileges and remedies** provided for this type of action in the Policies and Procedures Manual and under the Laws of the State of Texas.

Respectfully submitted,



Sgt. Tommy E. Ratliff, Texas Ranger

DEPARTMENT OF PUBLIC SAFETY
INTEROFFICE MEMORANDUM

DATE 02-08-94

DIVISION Legal

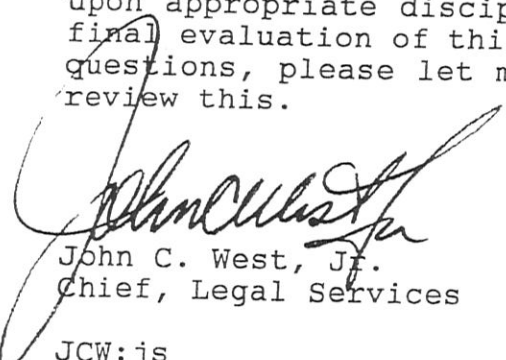
TO: Bruce M. Casteel, Captain, Assistant Commander
FROM: John C. West, Jr., Chief, Legal Services
SUBJECT: Complaint - Texas Ranger Sergeant Thomas E. Ratliff

The Department intends that the advice and analysis provided by Legal Services, as to personnel matters, be confidential under the attorney-client privilege. If this document or its content is disseminated to members other than those deemed appropriate by the major division chief, the privileged contents may be subject to discovery under the Open Records Act and during litigation involving the Department and its members.

You have provided me with a file that details a complaint investigation involving Sergeant Tommy Ratliff. You have asked that I evaluate this file before any further action occurred in order to advise you relative to any particular situations that I saw in this file.

It appears to me, based on a review of the file, by myself and others of my staff, that indeed several violations of departmental policy did in fact occur. At the outset, I would tell you that the violation, relative to speaking to Corporal Campos at the copy machine, is not a violation of departmental policy. Also, some of the points raised by Lt. Pearson could be consolidated into individual counts in a charging instrument. The conclusion I have arrived at is that there is sufficient evidence in the file to warrant sustaining the allegations that are basically summarized in points 1, 2, 3, and 5. The allegations contained in 4 and 6 can roll into numbers 2 and 3, and 5 respectively.

At such time as you have concluded your effort through the service of a C-1, and all of the things related thereto, and have settled upon appropriate disciplinary action, we will be pleased to do a final evaluation of this matter. In the meantime, if you have any questions, please let me know. Thank you for the opportunity to review this.


John C. West, Jr.
Chief, Legal Services

JCW:js

RECEIVED

FEB 11 1994


TEXAS RANGERS

DEPARTMENT OF PUBLIC SAFETY

INTEROFFICE MEMORANDUM

Date 01-04-94

TO: Bruce M. Casteel, Captain, Assistant Commander Division Ranger

FROM:  Earl R. Pearson, Lieutenant, Company "F", Texas Rangers

SUBJECT: Complaint of James H. Barry, 4812 Marblehead Drive, Austin, Texas
Concerning Texas Ranger Sergeant Thomas E. Ratliff, Austin

In compliance with your instructions, I have conducted an inquiry into the above complaint and submit my report:

Complaint:

1. Mr. Barry entered Interstate 35 in the 8800 block and was "cut-off" by Sergeant Tommy Ratliff.
2. Sergeant Tommy Ratliff appeared to "shoot the finger" at Mr. Barry.
3. Sergeant Tommy Ratliff almost caused Mr. Barry to strike the concrete divider.
4. Sergeant Tommy Ratliff followed Mr. Barry for almost five (5) miles at a distance where only a car length separated both vehicles.
5. Sergeant Tommy Ratliff rushed up to Mr. Barry, flashed what appeared to be a badge, positioned himself (Ratliff) in Mr. Barry's face, and said in a harsh voice, "You're going to jail".

Investigation:

1. Mr. James H. Barry
4812 Marblehead Drive
Austin, Texas 78727-5231
512-339-1440
December 14, 1993, Austin DPS Headquarters
2. Tommy Ratliff, Sergeant
Texas Ranger Division
9000 Interstate 35 North
Austin, Texas 78753
512-837-9010
December 13, 1993, Austin DPS Headquarters
3. Pete Salgado, Trooper
Texas Highway Patrol
9000 Interstate 35 North
Austin, Texas 78753
512-837-9010
December 15, 1993, Austin DPS Headquarters

4. Miguel Campos, Corporal
Texas Highway Patrol
9000 Interstate 35 North
Austin, Texas 78753
512-837-9010
December 15, 1993, Austin DPS Headquarters
5. E. C. Sherman, Captain
Texas Highway Patrol
9000 Interstate 35 North
Austin, Texas 78753
512-837-9010
December 17, 1993, Austin DPS District Office
6. Maurice C. Cook, Senior Captain, Commander
Texas Ranger Division
P. O. Box 4087
Austin, Texas 78773
512-465-2164
December 13, 1993, Austin DPS Headquarters
7. Bruce M. Casteel, Captain, Assistant Commander
Texas Ranger Division
P. O. Box 4087
Austin, Texas 78773
512-465-2160
December 13, 1993, Austin DPS Headquarters

On Friday, 12-10-93, the writer received a telephone call from Senior Captain Maurice C. Cook. The writer was advised to be in Austin on Monday, 12-13-93, to conduct an inquiry into the allegations of misconduct by Sergeant Tommy Ratliff, as outlined in a letter to DPS Director James R. Wilson from a Mr. James H. Barry. The letter centers around a traffic stop Sergeant Tommy Ratliff was involved in on Wednesday, 12-08-93.

On Monday, 12-13-93, the writer traveled to Austin and met with Senior Captain Maurice C. Cook and Captain Bruce M. Casteel. The writer received a copy of a letter written by Mr. James H. Barry, dated 12-09-93. The letter lists numerous allegations of misconduct by Sergeant Tommy Ratliff. Captain Casteel agreed to call Sergeant Ratliff to Headquarters office so writer could conduct an interview. Mr. Barry's letter is Exhibit #1 in this inquiry.

On this same date, Sergeant Ratliff arrived at the Headquarters office to be interviewed. Arrangements had been made to conduct the interviews in the MVI conference room which is located down the hallway from the Texas Ranger office. Sergeant Ratliff was taken to the conference room and the results of that interview are as follows:

- (A) Sergeant Ratliff enters Interstate 35 at St. Johns-northbound.
- (B) Noticed a vehicle directly behind him, following at a close distance.
- (C) Both vehicles traveled approximately one-quarter (1/4) of a mile. Sergeant Ratliff activated his left turn signal to move into the center lane. The vehicle followed.
- (D) The vehicle pulled into the lane next to the concrete dividers and pulled along side Sergeant Ratliff. The driver shot Sergeant Ratliff "the finger", said something and sped past. Sergeant Ratliff changed lanes and pulled in behind the driver.
- (E) Sergeant Ratliff ran a registration check (10-28) on the vehicle and noticed the driver hit his brakes. Sergeant Ratliff had to brake to avoid striking the vehicle.
- (F) Sergeant Ratliff called DPS Austin Communications for a Highway Patrol Trooper.
- (G) Sergeant Ratliff began to motion for the driver to pull over. The driver continued to "shoot the finger" to Sergeant Ratliff. Sergeant Ratliff retrieved his DPS identification and badge from his briefcase and continued to motion for the driver to pull over. (NOTE: Sergeant Ratliff's vehicle is not equipped with a siren and his issued revolving red light was in the trunk of his vehicle.)
- (H) The driver began twirling his finger in a circular motion as if to say, "Where's your red light." Sergeant Ratliff continued to motion for the driver to pull over. The driver exited the interstate at Parmer Lane and Sergeant Ratliff followed. The driver made a left turn on Parmer Lane. Sergeant Ratliff followed.
- (I) Sergeant Ratliff received a radio call from a Highway Patrol Trooper. The Trooper gave his location as North Lamar and Parmer Lane. As the driver and Sergeant Ratliff went through the intersection the Trooper pulled in behind Sergeant Ratliff. Sergeant Ratliff slowed to allow the Trooper to get directly behind the vehicle.
- (J) The Trooper inquired if there was probable cause to stop the vehicle. Sergeant Ratliff indicated yes and the Trooper stopped the vehicle in a parking lot.
- (K) Sergeant Ratliff pulled up after the Trooper had the driver out of the vehicle. The Trooper and driver were standing in front of the Trooper's patrol car. Sergeant Ratliff didn't hear what the Trooper and driver were saying. Sergeant Ratliff identified himself to the driver. The driver appeared irate and Sergeant Ratliff asked the driver for a driver's license and proof of liability insurance. The driver presented Sergeant Ratliff with a drivers license and stated the insurance was in the car.

Sergeant Ratliff, the Trooper and the driver walked to the driver's side of the driver's vehicle to get the insurance papers. Sergeant Ratliff instructed the driver to get the insurance papers and step back to the rear of his (driver's) vehicle. The driver walked to the rear of the vehicle and Sergeant Ratliff asked for the insurance paper. The driver stated, "It's in the car." Sergeant Ratliff instructed the driver again to go get the insurance. The three (3) of them returned to the vehicle, at which time the driver retrieved his insurance information. Sergeant Ratliff gave the drivers license and insurance information to the Trooper and requested a driver license check (10-27) and CCH (10-29) wanted persons check be run on the driver. The driver stated something to the effect of "go ahead, you aren't going to find anything." Sergeant Ratliff doesn't remember if the checks were run. The driver still appeared irate. Sergeant Ratliff told the driver why he had been stopped. The driver looked to the Trooper for sympathy. The Trooper responded something to the effect of "you got yourself into this." The driver didn't say anything about his (driver's) driving, but did say to Sergeant Ratliff, "You shot me the finger." Sergeant Ratliff feels the Trooper could have heard the statement. Sergeant Ratliff noticed the Highway Patrol Corporal had arrived. Sergeant Ratliff thinks the Corporal stood in front of his (Corporal's) vehicle. Sergeant Ratliff responded to the driver's earlier statement concerning "shooting the finger" with, "No, I was just trying to get you to stop." Sergeant Ratliff requested to speak to the Trooper away from the violator. Sergeant Ratliff and the Trooper, joined by the Corporal, walked to a location behind the Trooper's patrol car. Sergeant Ratliff explained what had happened and asked the Trooper to write the driver two (2) citations, one (1) for fail to signal lane change, two (2) for following too close. Sergeant Ratliff told the Trooper a third citation could be written for disorderly conduct, if the Trooper wanted to file it. Sergeant Ratliff asked if that would be okay and the Corporal responded it would be fine. The Corporal instructed the Trooper to file the charges in Judge Scott's court. Sergeant Ratliff stated to the Trooper, "I don't think it enhances the situation with me here." The Trooper and the Corporal agreed and Sergeant Ratliff left the scene.

The writer asked Sergeant Ratliff to respond to six (6) specific questions from Mr. Barry's letter. They are, along with the given response, as follows:

- (1) Did you make the statement "The lane was mine."? Sergeant Ratliff states he did not make the statement. However, Sergeant Ratliff admits saying, "When you're behind a vehicle that is signaling to change lanes, that vehicle has the right a way to change lanes, if it can be done so safely."
- (2) Did you threaten to put Mr. Barry in jail? Sergeant Ratliff denies telling or threatening Mr. Barry he would be put into jail. Sergeant Ratliff states he told Mr. Barry he could go to jail for shooting him (Sergeant Ratliff) the finger.
- (3) Did you yell at Mr. Barry as he was attempting to get his insurance information? Sergeant Ratliff denies yelling at Mr. Barry, but admits to being stern with Mr. Barry.

- (4) Did you make any reference to Mr. Barry's vehicle? "No, I did not."
- (5) Did you "shoot Mr. Barry the finger?" "No, I did not."
- (6) When did Mr. Barry fail to signal his lane changes? Sergeant Ratliff states, Mr. Barry was so close behind him on the interstate and was driving a vehicle, a Chevrolet Corvette, that has turn signals so close to the ground that he could not see if Mr. Barry signaled his lane change. However, Mr. Barry signaled when he changed lanes in front of Sergeant Ratliff, exiting the interstate and the left turn onto Parmer. Sergeant Ratliff indicated he could not tell if Mr. Barry signaled when pulling into the parking lot. After answering the questions, the writer requested Sergeant Ratliff give a notarized statement concerning the events that occurred on 12-08-93. Sergeant Ratliff completed a handwritten statement.

The writer and Sergeant Ratliff returned to the Ranger office. Ranger Secretary Karen Holmstrom was given the handwritten statement of Sergeant Ratliff and she typed the statement. While waiting for the statement to be typed, Captain Bruce Casteel told the writer Sergeant Ratliff had been instructed to have no contact with the complainant, the Trooper nor anyone else involved in this investigation, until same was completed. Sergeant Ratliff read and signed the statement. The statement was then notarized by Karen Holmstrom. Sergeant Ratliff was furnished a copy of the handwritten and typed statement for his records. Sergeant Ratliff's notarized statement will become Exhibit #2 and the handwritten statement will become #2-A.

Since the writer was not present when Sergeant Ratliff received instructions from Captain Casteel, the writer felt it was imperative, in accordance with Chapter 07.42.02.04 of the General Manual, to provide Sergeant Ratliff with those same instructions. Sergeant Ratliff stated he had received the instructions from Captain Casteel and understood he was not to have any contact with those involved, until my investigation was complete. The writer's conversation with Sergeant Ratliff took place in the file room, located across the hallway from Captain Casteel's office.

On this same date, the writer telephoned Mr. Barry, at 339-1440, and got his answering service. A message was left to contact writer at 465-2160 at Mr. Barry's earliest convenience.

On this same date, the writer telephoned Texas Highway Patrol Captain E. C. Sherman to request permission to interview the Trooper and Corporal involved in this incident. Captain Sherman granted permission for the interviews to be conducted and pledged his complete cooperation in the matter. Captain Sherman identified Trooper Pete Salgado and Corporal Mike Campos as the two (2) Troopers who assisted Sergeant Ratliff. Captain Sherman indicated both Trooper Salgado and Corporal Campos had been scheduled to participate in a traffic task force on Tuesday, 12-14-93, but he would have them available if the writer requested he do so. The writer advised Captain Sherman, Wednesday, 12-15-93, would be fine, if the Troopers were available. Captain Sherman stated he would have them available.

On this same date, the writer received a telephone call from Mr. Barry. The writer explained to Mr. Barry that he would need to be interviewed concerning the allegations outlined in his letter to DPS Director Wilson, dated 12-09-93. Mr. Barry stated he would be at the Ranger Headquarters office on 12-14-93, at 8:00 A.M. The writer agreed to meet Mr. Barry at that time.

On Tuesday, 12-14-93, the writer interviewed James Barry in the MVI conference room. Mr. Barry states the following events occurred on 12-08-93:

- (A) Mr. Barry entered Interstate 35-northbound at the entrance ramp just north of Henna Chevrolet. He was behind Sergeant Ratliff. Sergeant Ratliff and he were waiting to accelerate. Mr. Barry saw a break in traffic and began to pull onto the interstate. Sergeant Ratliff pulled onto the interstate and almost struck the front of Mr. Barry's vehicle. Mr. Barry changed into the center lane and notices Sergeant Ratliff change into the same lane. Mr. Barry honks his horn and thinks Sergeant Ratliff "shoots him the finger." Mr. Barry changed into the lane, next to the concrete divider. Sergeant Ratliff moves into that lane, causing Mr. Barry to drive onto the shoulder. Mr. Barry almost struck the concrete divider. Sergeant Ratliff changed into the center lane and Mr. Barry pulled along side Sergeant Ratliff. Mr. Barry looks at Sergeant Ratliff and shakes his finger at Sergeant Ratliff, indicating "be careful." Mr. Barry continues by Sergeant Ratliff. Sergeant Ratliff changed lanes, began to travel behind Mr. Barry. Sergeant Ratliff traveled approximately two (2) miles behind Mr. Barry.
- (B) Sergeant Ratliff begins holding something up and using his thumb motioning for Mr. Barry to pull over. Mr. Barry was not sure who Sergeant Ratliff was and continued on his way.
- (D) Mr. Barry began to change into the far right lane as he neared Parmer Lane. Sergeant Ratliff followed Mr. Barry. Mr. Barry and Sergeant Ratliff exited Interstate 35 at Parmer Lane. Mr. Barry and Sergeant Ratliff had to stop at the red light, located at the intersection of Interstate 35 frontage road and Parmer Lane. Mr. Barry realized Sergeant Ratliff was holding a badge, but still didn't know if Sergeant Ratliff was a police officer. Mr. Barry began to twirl his finger in a circular motion trying to indicate to Sergeant Ratliff "turn on your red lights."
- (D) Mr. Barry turned left onto Parmer Lane, as did Sergeant Ratliff. Both Mr. Barry and Sergeant Ratliff had to stop at a red light at the next intersection. After proceeding through the light Mr. Barry saw a Highway Patrol Trooper. The Trooper pulled in behind Mr. Barry and activated his emergency lights. Mr. Barry immediately pulled over into a school parking lot and stopped. Mr. Barry and the Trooper met between their vehicles. Mr. Barry said, "I'm glad you're here, that man is crazy." Sergeant Ratliff identified himself and got within inches of Mr. Barry's face and said, "You are going to jail." Mr. Barry asked, "Why?" Sergeant Ratliff said, "Shut up, you're going to jail, you shot me the finger." Mr. Barry replied, "No, you shot it at me."

Sergeant Ratliff replied, "That was my lane and you had no right to it." Mr. Barry stated, "No right?" Sergeant Ratliff stated "Shut up." Mr. Barry decides to stop talking. Trooper Salgado was standing four (4) to five (5) feet away and said nothing. At about that time, another Trooper arrived, but never came up to where Mr. Barry, Sergeant Ratliff and the Trooper were standing. Sergeant Ratliff requested Mr. Barry present his drivers license and proof of liability insurance. Mr. Barry presented his drivers license and stated the liability insurance was in his vehicle. Mr. Barry started walking to his vehicle. Sergeant Ratliff instructed Mr. Barry, in a loud harsh voice, to stand behind his (Barry's) vehicle. Mr. Barry repeated to Sergeant Ratliff the insurance is in the vehicle. Sergeant Ratliff instructed Mr. Barry, again, to get the insurance. Mr. Barry obtained the insurance and gave it to Sergeant Ratliff. Sergeant Ratliff gave the drivers license and insurance to Trooper Salgado and told the Trooper to run a check on Mr. Barry. Sergeant Ratliff said, "I'm sure you'll find something." Mr. Barry told the Trooper, "Please do, because there's nothing there." Mr. Barry does not know if the Trooper ran the check. The Trooper never left Mr. Barry and Sergeant Ratliff alone. Sergeant Ratliff and the Trooper walked away and talked. At the conclusion of the conversation Sergeant Ratliff left the scene.

- (E) The Trooper returned to Mr. Barry and stated, "I'm going to issue you two (2) citations, (1) Following too close, (2) Fail to signal lane change. Mr. Barry requested Sergeant Ratliff be issued the same two citations, along with a third for reckless driving. The Trooper stated because Sergeant Ratliff was a police officer, the Trooper was unable to do so. However, the Trooper told Mr. Barry if he (Barry) wanted to file a complaint against Sergeant Ratliff, he (Barry) could do so by contacting Judge Scott. The Trooper issued Mr. Barry two (2) citations. Mr. Barry asked Trooper Salgado "off the record" if the Trooper thought the whole thing was a farce. The Trooper responded something to the effect of, I cannot comment or I cannot say. Mr. Barry left the scene. The writer asked Mr. Barry to give a notarized statement. Mr. Barry agreed and completed a handwritten statement.

The writer and Mr. Barry returned to the Ranger office. Secretary Karen Holmstrom typed Mr. Barry's statement. Mr. Barry read the typed statement, agreed it was the same as the handwritten copy and signed the statement. The statement was notarized by Karen Holmstrom. Mr. Barry was given a copy of both the handwritten and typed statement. Mr. Barry's notarized statement will become Exhibit #3 and the handwritten statement will become Exhibit #3A. The writer obtained, from Mr. Barry, a xerox copy of DPS Citation #S5038668, issued to Mr. Barry by Trooper Salgado. The copy is Exhibit #3B.

On this same date, the writer checked the mileage from the point where Sergeant Ratliff and Mr. Barry both agree they entered Interstate 35. The entrance ramp is one-half (1/2) of a mile north of milepost 244. The parking lot where Mr. Barry was stopped is that of Parmer Elementary. The school is located near the intersection of Parmer Lane and Metric Lane. The total distance traveled during this incident was five and seven tenths (5 7/10) of a mile. The writer used the odometer on state issued vehicle F9-471 to measure this distance.

On this same date, writer received a message to telephone Corporal Campos.

Writer returned Corporal Campos' telephone call. Corporal Campos stated both Trooper Salgado and he were scheduled for DWI Court on 12-15-93. Corporal Campos stated as soon as he was notified the case was settled or reset, he would call the Ranger office. Writer asked Corporal Campos to briefly state what he observed during the traffic stop on 12-08-93. Corporal Campos related the following.:

- (A) He drove up to where Sergeant Ratliff and Trooper Salgado had the vehicle stopped and stood by the driver's door of his patrol car.
- (B) He observed Sergeant Ratliff talking to Trooper Salgado, but could not hear what was being said.
- (C) Sergeant Ratliff was standing in position face-to-face with the driver Trooper Salgado had stopped.
- (D) Sergeant Ratliff and Trooper Salgado walked to the rear of Trooper Salgado's patrol car and were joined by Corporal Campos. Sergeant Ratliff stated what charges he wanted filed on the driver.
- (E) Sergeant Ratliff appeared to be really upset. Corporal Campos stated "he was like a violator would be if I stopped him and the violator disagreed with why I stopped him." "Sergeant Ratliff wasn't red in the face, but he was upset." Corporal Campos continued to repeat the "You really need to talk to Pete." A more detailed statement will be taken from Corporal Campos at a later date.

On Wednesday, 12-15-93, the writer received a telephone call from Corporal Campos advising he and Trooper Salgado were enroute to the Ranger office.

The writer interviewed Corporal Mike Campos. Corporal Campos is the Highway Patrol Corporal for the North Austin Sergeant area. The interview took place in the MVI conference room. Corporal Campos related the following:

- (A) He had just checked on duty the afternoon of 12-08-93. He heard DPS Austin Communications ask for a Trooper in the vicinity of north Interstate 35 and Braker Lane.
- (B) He heard Trooper Pete Salgado give his location as North Lamar and Parmer Lane. Sergeant Ratliff called Trooper Salgado and stated he (Ratliff) was westbound on Parmer Lane and needed assistance in stopping a vehicle.
- (C) Ranger Ratliff advised Trooper Salgado the vehicle was traveling in front of a van. Trooper Salgado asked Ranger Ratliff what he had on the driver. Ranger Ratliff responded, "I'll tell you after the vehicle is stopped." Trooper Salgado gave his location to DPS Austin and stopped the vehicle. Corporal Campos arrived at the location, but remained by the driver's door of his patrol car.

Corporal Campos observed Ranger Ratliff standing approximately two (2) feet from the violator. Ranger Ratliff was shaking a drivers license in the violator's face. Trooper Salgado was standing away from the violator and Ranger Ratliff. Ranger Ratliff was upset. Corporal Campos indicated he would have been as upset as Ranger Ratliff had someone followed him too close.

- (D) Ranger Ratliff and Trooper Salgado walked back to the rear of Trooper Salgado's patrol car. Corporal Campos walked over and joined the two (2) of them. Ranger Ratliff explained what had happened. Ranger Ratliff asked the Trooper to file on the violator for fail to signal lane change and following too close. Ranger Ratliff stated a third charge of disorderly conduct could be filed if the Troopers desired to do so. Corporal Campos told Ranger Ratliff he could leave and they would handle the violator from that point. Ranger Ratliff got into his vehicle and left the scene.
- (E) Corporal Campos called Ranger Ratliff on the radio to ascertain the exact location of the violations. (Note: Corporal Campos stated just prior to leaving the Austin District DPS office to meet with the writer he (Campos) saw Ranger Ratliff. Ranger Ratliff was standing at the xerox machine with a secretary named Betty. Ranger Ratliff apologized for getting Corporal Campos and Trooper Salgado involved in this investigation. Corporal Campos states nothing else was said and he has had no prior contact with Ranger Ratliff concerning this incident. Corporal Campos indicates Trooper Salgado was not present when Ranger Ratliff made this statement.) The writer requested Corporal Campos to give a notarized statement. Corporal Campos agreed and completed a handwritten statement.

The writer and Corporal Campos returned to the Ranger office. Secretary Karen Holmstrom typed Corporal Campos' statement. Corporal Campos read the typed statement, agreed it was the same as the handwritten copy and signed the statement. The statement was notarized by Karen Holmstrom. Corporal Campos was given a copy of both the handwritten and typed statement. Corporal Campos' notarized statement will become Exhibit #4 and the handwritten copy will become Exhibit #4-A.

The writer interviewed Trooper Pete Salgado. Trooper Salgado is stationed in the North Austin Sergeant area. The interview took place in the MVI conference room. Trooper Salgado related the following:

- (A) He received a radio call from unit 7011 (Ranger Ratliff) asking for assistance in stopping a vehicle.
- (B) Trooper Salgado was at Interstate 35 and Braker Lane. Trooper Salgado heard Ranger Ratliff say he had exited Interstate 35 at Parmer Lane. Trooper Salgado got behind Ranger Ratliff at the intersection of Parmer Lane and North Lamar. Trooper Salgado asked Ranger Ratliff what he had on the driver of the vehicle. Ranger Ratliff responded "I'll tell you later." Trooper Salgado activated his emergency lights and the vehicle pulled into the parking lot of Parmer Elementary School.

- (C) The driver got out and began walking towards Trooper Salgado. Trooper Salgado instructed the driver to stand behind his (driver's) vehicle. Trooper Salgado visually checked the driver for a weapon. The driver made the statement, "Boy, I'm glad to see you."
- (D) Ranger Ratliff walked up to the driver and identified himself (Ratliff). Ranger Ratliff requested to see the driver's drivers license and the driver asked, "Why?" Both the driver and Ranger Ratliff were visibly upset. Trooper Salgado does not believe Ranger Ratliff was about to lose control of his temper. The driver produced a drivers license.
- (E) The driver said, "So you're a Texas Ranger." Either Ranger Ratliff or the driver said something about being ran off the road. Trooper Salgado cannot remember if Ranger Ratliff said anything about taking the driver to jail. Ranger Ratliff remained face-to-face with the driver. There was no profanity being used. Ranger Ratliff and the driver accused each other of shooting the other the finger. Ranger Ratliff requested a drivers license check (10-27) be run on the driver.
- (F) Ranger Ratliff and Trooper Salgado walked back to the rear of Trooper Salgado's patrol car. Corporal Campos walked up and joined the two (2) of them. By this time Ranger Ratliff had calmed down. Ranger Ratliff asked if the Troopers would file fail to signal lane change and following too close on the driver and disorderly conduct if they desired to do so.

Note: Trooper Salgado states he remained with Ranger Ratliff during the whole time Ranger Ratliff talked to the violator. The violator kept repeating, "Get this guy (Ranger Ratliff) out of my face." Ranger Ratliff remained in the violator's face as if he (Ranger Ratliff) was a drill sergeant. The writer requested Trooper Salgado give a notarized statement. Trooper Salgado agreed and completed a handwritten statement.

Trooper Salgado took the handwritten statement to the Ranger office. Due to a prior commitment in the Ranger office, the statement could not be typed. Trooper Salgado agreed to return when the statement was typed.

On Thursday, 12-16-93, the writer went to the Austin District office and picked up pages 14 and 15 of the communications daily log for 12-08-93.

Trooper Salgado returned to the Ranger Headquarters office. Trooper Salgado was given his handwritten statement and the typed statement. After reviewing both and agreeing they were the same, Trooper Salgado signed the typed statement. The statement was notarized by Karen Holmstrom. Trooper Salgado's notarized statement will become Exhibit #5 and the handwritten copy will become Exhibit #5-A.

On Friday, 12-17-93, the writer went to the Austin District office to talk to Highway Patrol Captain E. C. Sherman. Captain Sherman stated he heard a unit call for a Trooper the evening of 12-08-93. He heard Trooper Salgado converse with the unit and later check out on a vehicle.

Captain Sherman states later that night he talked to Trooper Salgado, by telephone, to determine circumstances surrounding the traffic stop. Trooper Salgado explained the traffic stop and the conversation ended. The writer explained to Captain Sherman that Sergeant Ratliff had made the statement that he (Ratliff) was unable to see if the driver had signaled his lane changes while behind him (Ratliff). Captain Sherman stated if Ratliff could not testify that the driver did not signal, the charges would have to be dismissed. Captain Sherman went on to say the way he reads the law to file following too close there has to be an accident. The writer agrees with Captain Sherman's assessment on both charges, that they both be dismissed. Captain Sherman indicated he would instruct the Troopers to dismiss both charges against Barry.

The writer went to the Communications office, at the District Office, and picked up page 16 of the Communications Daily Log for 12-08-93. The writer was given a cassette tape of the radio transmissions of this incident. The radio log indicates the following:

- (A) 1609 (4:09 P.M.) Sergeant Ratliff called Austin DPS Communications for a Highway Patrol Trooper near IH-35 and Braker Lane and ran a registration check on Texas license plate ROLLER.
- (B) 1615 (4:15 P.M.) Trooper Salgado checks out on L.P. ROLLER at Parmer Elementary.
- (C) 1617 (4:17 P.M.) Trooper Salgado runs D.L. check on 08285808 (Barry).
- (D) 1618 (4:18 P.M.) Corporal Campos checks out at Trooper Salgado's location.
- (E) 1621 (4:21 P.M.) Communications give Trooper Salgado the return on 08285808.
- (F) 1622 (4:22 P.M.) Corporal Campos calls Ranger Ratliff for the location where the violations occurred. The log indicates the location as Rudder/Braker Northbound IH-35.
- (G) 1633 (4:33 P.M.) Corporal Campos and Trooper Salgado check in-service. The radio log will become Exhibit #6.

The cassette tape was given to Secretary Karen Holmstrom to be transcribed.

On Tuesday, 12-21-93, the writer received a transcription of the radio transmissions from 12-08-93. The transcription will become Exhibit #7. The cassette tape will not receive an exhibit number, but will remain in the custody of the writer.

The writer received an initiated investigation report, RHQ93061, prepared by Sergeant Ratliff. The file title to this report is Traffic Violations, date 12-08-93. In the report Sergeant Ratliff fails to indicate when Mr. Barry failed to signal a lane change. However, Sergeant Ratliff alludes to the fact that Mr. Barry was following so close behind him (Ratliff) that the front of Mr. Barry's vehicle could not be seen. Sergeant Ratliff's report will become Exhibit #8.

EVALUATION

The inquiry into this incident tends to reveal seven (7) violations of DPS Policy and Procedures by Sergeant Tommy Ratliff. They are as follows:

- (1) Sergeant Ratliff stated Mr. Barry failed to signal lane changes while Mr. Barry's vehicle was behind Sergeant Ratliff. However, in Exhibit #8 Sergeant Ratliff states Mr. Barry's vehicle was so close to his (Ratliff's) vehicle that he (Ratliff) was unable to see the front of Mr. Barry's vehicle in his (Ratliff's) rearview mirror. On 12-13-93, the writer interviewed Sergeant Ratliff. After the interview the writer requested Sergeant Ratliff respond to six (6) specific questions. Please refer to Question 6. In response to that question Sergeant Ratliff states Mr. Barry was driving so close behind him, and driving a Chevrolet Corvette, whose turn signals are so close to the ground, that he (Ratliff) could not see if Mr. Barry signaled his lane changes. Sergeant Ratliff indicates Mr. Barry did utilize his turn signal while driving in front of him (Sergeant Ratliff). Please refer to page 5 of the investigation and Exhibit #2.
- (2) Sergeant Ratliff failed to inform Trooper Salgado why Mr. Barry was being stopped. Trooper Salgado requested this information, but was told by Sergeant Ratliff to wait until the vehicle was stopped. This could have been a tragic incident. After being stopped, Mr. Barry got out of his vehicle and began to approach Trooper Salgado. Trooper Salgado got out of his patrol car and instructed Mr. Barry to stop and stand to the rear of his (Barry's) vehicle. Trooper Salgado began to visually inspect Mr. Barry for a weapon. If Mr. Barry had continued to advance on Trooper Salgado, who was unaware why Mr. Barry was stopped, Trooper Salgado could have drawn his weapon and ordered Mr. Barry to stop. Please refer to Exhibit #4 (Corporal Campos' statement), Exhibit #5 (Trooper Salgado's statement), and Exhibit #7 (Transcript of radio transmission). Three (3) exhibits indicate Trooper Salgado requested this information, but was told by Sergeant Ratliff to wait until the vehicle was stopped.
- (3) Sergeant Ratliff walked past Trooper Salgado and took over the violator contact. Sergeant Ratliff should have advised Trooper Salgado of the traffic violations on the radio, when requested. Trooper Salgado would have been able to advise Mr. Barry why he had been stopped, thus, Sergeant Ratliff could have remained away from the violator alleviating the face-to-face encounter between Sergeant Ratliff and Mr. Barry. Please refer to Exhibits #1, #2, #3, #4 and #5.
- (4) Sergeant Ratliff placed Mr. Barry in a dangerous situation. Please refer to Infraction #2. The same exhibits in #2 apply.
- (5) Sergeant Ratliff caused disrespect to the Department of Public Safety, the Texas Rangers and the Highway Patrol for the outward display of his temper during the violator contact with Mr. Barry. Please refer to Exhibit #1, #2, #3, #4 and #5, General Manual Chapter 5, Page 5e, Section 05.16.00 Courtesy and General Manual Chapter 6, Page 6-1, Section 06.10.00 Ten General Orders 2, 7 and 10.

- (6) Sergeant Ratliff used his position, as a Texas Ranger Sergeant, to have charges filed on Mr. Barry that insufficient evidence exists to support a conviction on either charge. This statement is enhanced by the fact that Captain Sherman intends to instruct the Troopers or their supervisors, to have the charges against Mr. Barry dismissed. Please refer to Page 5, Question 6 of the investigation and the Uniform Act V.C.S. 670ld Section 6l.
- (7) Sergeant Ratliff was instructed by Captain Casteel and the writer to have no contact with anyone involved in this inquiry until such time that the inquiry is complete. Sergeant Ratliff apologized to Corporal Campos for involving them (Campos and Salgado) in the inquiry. Please refer to Page 5, Paragraphs 2 and 3, of the investigation, Exhibit #4, General Manual Chapter 5, Page 5-4e, Section 05.14.00. Relationships with superiors and subordinates and General Manual Chapter 6, Page 6-1, Section 06.10.00 Ten General Orders #4.

It is the conclusion of the writer that sufficient evidence is available in the exhibits listed, the General Manual, and the Uniform Act to support each of the seven (7) violations of DPS Policy and Procedures, listed in this evaluation.

CLASSIFICATION

Since the writer does not directly supervise Sergeant Ratliff, the writer feels it is inappropriate to make a classification.

ERP:kh

JAMES H. BARRY

4812 Marblehead Dr. ♦ Austin, Texas 78727-5231 ♦ 512-339-1440

December 9, 1993

Colonel James Wilson, Director
Texas Department of Public Safety
POB 4087
Austin, Texas 78773

RECEIVED

DEC 10 1993
KJ
TEXAS RANGERS

I am writing this letter because I am highly upset with the events in the early evening of December 8, 1993. The letter is long and detailed, however, please read it thoroughly because of the severity of the situation.

At approximately 4:15 p.m. on the stated date, I was driving my car home, entering I.H.-35 northbound in the 8800 block. That day was foggy and drizzly and rush hour traffic had already begun. I changed lanes from the entrance ramp to the first lane of the highway. A man in a silver Ford who was in front of me on the ramp pulled into the first lane after I and I had to brake to keep him from clipping the front of my car. I changed lanes again to the center lane and the same thing happened. At that point, thinking perhaps the man in the silver Ford was not aware of my presence, I blew my horn briefly. The man in the Ford appeared to "shoot the finger" at me. As soon as the traffic cleared, I changed again to the inside lane. The man in the Ford abruptly pulled in this lane and I had to swerve onto the shoulder of the road coming close to the concrete wall to avoid a collision. The man in the Ford then suddenly pulled back right, into the middle lane, and I passed him quickly thinking he had probably been drinking. As I passed this man, I shook my *index* finger at him indicating for him to be careful. He appeared to be an ordinary businessman like myself. He then pulled in behind me and stayed uncomfortably close to my car. I could see in my rear view mirror this man pointing to the side of the road indicating he wanted me to stop. I tapped my brake trying to encourage him to leave more space between our cars, but he would not. Then the man started holding something up, which I could not identify, and kept pointing to the side of the road. After hearing of the increasing number of car hijackings and people being shot by angry motorists, I am not ashamed to admit I was more than just a little worried. The man in the Ford kept holding up what I finally determined could have been a wallet and was motioning for me to stop. Realizing he might be trying to indicate he was a Police officer, even though the car was not marked as one, I motioned with my finger in a twirling manner meaning for him to turn on some emergency lights, which he did not. The man in the Ford kept following me, most of the time only a car length apart, for at least five miles until the 1800 block of Parmer Lane. A Department of Public Safety unit then pulled in behind me, turned on his

emergency lights, and I turned off into a parking lot immediately. The man in the Ford pulled in behind the D.P.S. Car. D.P.S. Officer Pete Salgado was approaching my car as I was getting out and I said: "I'm glad to see you, that man is crazy." Another D.P.S. Car arrived about this time but the officer did not approach me nor was he identified to me. The man in the Ford rushed up to me, flashing his wallet so quickly I couldn't tell if it was a real badge or not. He then positioned himself in manner to which his face was only a few inches away from mine, identified himself as Sgt. Ratliff of the Texas Rangers, and said in a loud, harsh voice: "you're going to jail." I attempted to ask on what charges, but he would only say: "shut up, or you're going to jail." I persisted and he said: "You shot the finger at me." I told him he was the one who "flipped" me off and then he said: "That lane was mine and *you had no right to it.*" He continued with: "It doesn't matter to me who you are or what kind of fancy car you drive." He then demanded to see my driver's license and proof of insurance. I removed my license from my wallet, handed it to him and told him my insurance card was in the car. As I started toward my car Sgt. Ratliff yelled at me to "stand behind the car." I told him again the insurance card was in my car and he said to go get it. As I was getting my insurance card, Sgt. Ratliff yelled again for me to stand behind the car. I asked him: "Do you want my insurance card or do you want me to stand behind the car?" Sgt. Ratliff seemed confused and on the verge of losing control. Sgt. Ratliff told Officer Salgado to "run a thorough check on my license plate and driver's license. I'm sure you'll find something." I told him to "please do so, you'll find them both clean." Sgt. Ratliff and Officer Salgado stepped away to talk and then Sgt. Ratliff got in his car and left very quickly. I asked Officer Salgado where he was going but he would not tell me. Officer Salgado then said he was going to issue me a citation for "following too close" and another for "failure to signal lane change." I asked how he could give me citations for alleged violations of which he did not witness. He said: "Sgt. Ratliff told me to issue them because he witnessed the violations." I then asked Officer Salgado to issue the same citations to Sgt. Ratliff as well as one for reckless driving. He said he could not because "Sgt. Ratliff is a peace officer." I then requested information on filing a complaint against Sgt. Ratliff and was told to do so with Judge Scott to whom I am to see about the citations. After I signed the ticket, I asked Officer Salgado "off the record" if he thought this entire incident was a ludicrous farce, but he would not comment.

I have been an Austin resident since the age of four when my family moved here in 1964. I graduated from The University of Texas in 1981 and have been employed in the same company for the past 12 years. I have owned my own home since 1984. I have *never* been arrested or had any trouble with the law. I have only had two traffic citations since obtaining my driver's license 18 years ago. I welcome any check into my background. You will find I am nothing but an honest, hardworking, law abiding citizen who pulls more than my own weight.

As the son of lifetime Texas residents I was brought up with morals and respect. I have always held law officials in high regard and even been in awe of the Texas Rangers. However, I must say I am highly disappointed with the lack of professionalism exhibited by Sgt. Ratliff. Not only did he threaten my safety by his reckless driving, he also

endangered the safety of everyone driving on that portion of I.H.-35 the afternoon of December 8.

Even if I was guilty of the alleged traffic violations, I see no reason for the extreme emotional manner in which Sgt. Ratliff verbally assaulted me and threatened to send me to jail. Is it normal procedure for a plainclothes Texas Ranger in a completely unmarked vehicle to go to such *drastic* measures to have a motorist cited for minor traffic infractions? Is it as obvious to you as it is to me that Sgt. Ratliff used his professional position to intercede in a purely personal matter? He was angry at me because I got into "his" lane on the highway. He violated the same traffic laws he has accused me of and *more*. As he was tailgating me, other motorists were speeding past in excess of seventy miles per hour! Was he not concerned with that? Incidentally, if I was following too closely, how did Sgt. Ratliff see if I had signaled a lane change or not, especially since the turn signal of my car is located only sixteen inches above the road surface? Additionally, if I "shot the finger" at Sgt. Ratliff as he alleged, why was I not cited for that? Isn't that gesture toward a law officer illegal?

I had no reason at all to believe Sgt. Ratliff was a law officer until he briefly flashed his badge after Officer Salgado stopped me. From the time Sgt. Ratliff forced me onto the shoulder of the road until I was stopped, I felt my personal safety was in *serious* danger. Can you blame me for not stopping?

I was emotionally distraught after my confrontation with Sgt. Ratliff. It disturbs me immensely that he allowed his personal emotions to interfere with his professional judgment. The Texas Rangers have an outstanding reputation reaching far back into the history of our State. I have always heard that to be a Ranger was a great honor; an honor to be upheld. I am sad to say that Sgt. Ratliff's actions on the afternoon of December 8, 1993, falls well below the standards I envisioned for a Texas State Ranger. Perhaps I caught Sgt. Ratliff on a bad day; everyone has them. However, professionalism should still be maintained.

I would like to commend Officer Salgado for *his* professionalism and calm. While it is only my opinion, I feel he also thought Sgt. Ratliff was out of line.

Sincerely,

James H. Barry

cc: Maurice Cook
Senior Ranger

Judge Richard E. Scott
J.P. Precinct One